

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ALEJANDRO MEJIA,

Plaintiff,

-against-

N.T.C./D.O.C./V.C.B.C. WARDEN CARTER;
N.T.C./D.O.C./V.C.B.C. CAPTAIN GUERRA 3-
AA HOUSING UNIT CAPTAIN; N.T.C./D.O.C./
V.C.B.C./CAPT. JOHN DOE INTAKE
SUPERVISING CAPT.; N.T.C./D.O.C./V.C.B.C.
CAPTAIN HORTON,

Defendants.

ANALISA TORRES, District Judge:

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21 Civ. 9049 (AT) (SDA)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

On November 1, 2021, the Honorable Laura Taylor Swain severed the claims of all plaintiffs in *Michael J. Lee et al. v. Warden Carter et al.*, No. 21 Civ. 8629. ECF No. 1. Accordingly, Plaintiff Alejandro Mejia's claims were severed and a new civil action, the above-captioned case, was opened. On December 7, 2021, Mejia's case was assigned to the undersigned. Dkt. Entry 12/7/2021. On February 8, 2022, Plaintiff filed an amended complaint alleging claims under 42 U.S.C. § 1983 against four employees of the New York City Department of Correction, namely, Defendants Warden Carter, Captain Guerra, Captain Horton, and Captain John Doe (collectively, the "Defendants"). ECF No. 13. On June 6, 2022, Defendants filed a motion to dismiss the amended complaint. ECF No. 18. On June 8, 2022, the Court referred the motion to the Honorable Stewart D. Aaron for a Report and Recommendation ("R&R"). ECF No. 21.

On November 2, 2022, after careful consideration, Judge Aaron issued an R&R recommending that Defendants' motion be granted. ECF No. 29. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *See* Fed. R. Civ. P. 72(b)(2). When no objection is made, the Court reviews the R&R for clear error. *Vorcom Internet Servs., Inc. v. L&H Eng'g & Design LLC*, No. 12 Civ. 2049, 2014 WL 116130, at *1 (S.D.N.Y. Jan. 13, 2014). The Court finds no clear error and ADOPTS Judge Aaron's R&R in its entirety. Accordingly, the Court GRANTS Defendants' motion to dismiss.

The Clerk of Court is directed to terminate the motion at ECF No. 18.

SO ORDERED.

Dated: December 13, 2022
New York, New York



ANALISA TORRES
United States District Judge